

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1619 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI
and
Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BHARAT SHANTILAL SHAH

Versus

COLLECTOR AND SPECIAL LAND ACQUISITION OFFICER (ONGC)

Appearance:

MR YN RAVANI for Petitioners
MR VM PANCHOLI, AGP for Respondent No. 1 and 2
MR KJ THAKKAR for M/S TRIVEDI & GUPTA for Respondent No. 3

CORAM : MR.JUSTICE M.H.KADRI
and
MR.JUSTICE D.P.BUCH

Date of decision: 14/06/2000

ORAL JUDGEMENT

(Per: M.H. Kadri, J.)

Rule. Mr. V.M. Pancholi, learned AGP waives service of Rule on behalf of Respondent No.1 and 2. Learned advocate Mr. K.J. Thakkar waives service of Rule on behalf of Respondent No.3. At the request of the learned advocates, the petition is heard today.

2. The petitioners, by filing this application under Article 226 of the Constitution of India, have prayed to issue an appropriate writ, order or direction against the respondents to make payment of additional amount of compensation under Section 28-A of the Land Acquisition Act, 1894 which is referred to as "the Act".

3. The lands of the petitioners and other land owners situated at Village Meda-Adarjaj were placed under acquisition for the public purpose of O.N.G.C. by issuing Notification under Section 4(1) of the Act on March 6th, 1984. The Land Acquisition Officer had made his award on September 8th, 1988 and awarded compensation at the rate of Rs.4.25 per square metre. Other land owners whose lands were acquired had filed References under Section 18 of the Act which were decided by the learned 2nd Jt. District Judge, Mehsana, by his judgment and award dated October 16th, 1995, had determined the market value of the acquired lands at the rate of Rs.9.25 per square metre. After the award of the Reference Court, the petitioners had made applications under Section 28-A of the Act before the Respondent No.1 on January 19th, 1996. The 1st Respondent had addressed a letter dated December 13, 1999 intimating the advocate of the petitioner that the award under Section 28-A has been sanctioned by the State Government but the acquiring body had not deposited the amount under the award with the 1st respondent. The petitioners have, therefore, filed this petition for an appropriate writ or direction to be issued against the acquiring body - Respondent No.3 directing it to deposit the amount of compensation before the 1st respondent.

4. Notice was issued to the respondent and in response to the notice, Mr. Thaker has appeared on behalf of Respondent No.3 and on instruction from the Office of the Respondent No.3, Mr. Thaker has made a statement at the bar that the amount under the award passed by the 1st respondent under Section 28-A of the Act shall be deposited within four weeks from today. On the above statement being made by the learned counsel for Respondent No.3, we direct that the Respondent No.3 shall

deposit the amount under the award made by the 1st respondent under section 28-A of the Act within four weeks from today. This petition stands disposed with the above direction. Rule made absolute to the above extent. No order as to costs.

(M.H. Kadri, J.)

(D.P. Buch, J.)

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